

Brazos River and Associated Bay and Estuary System Basin and Bay Stakeholder Committee (BBASC)

Tuesday, June 28, 2011 at 10:00 a.m.

Brazos River Authority Offices

Waco, Texas

Minutes

Introductions

BBASC chair Dale Spurgin called the meeting to order and members introduced themselves.

Public Comment

None.

Approval of April 26, 2011 meeting minutes

The minutes of the April 26, 2011 meeting were approved without changes.

Basin and Bay Expert Science Team (BBEST) update – Tom Gooch

BBEST chair Tom Gooch gave an update of the science team's activities (handout and presentation posted to BBASC website). He said that they have made a tentative selection of gages for use in setting instream flows and discussed an example gage, Brazos River at Richmond, showing characteristics such as annual flow, cumulative annual flow, period comparison, daily statistics, median monthly flows, and peak flows. Period of record selections have also been tentatively selected for most gages, though the periods for two gages that have been significantly affected by reservoirs are still being evaluated. Tom also explained two options for designating seasons that the BBEST is considering. He said that the BBEST has begun to look at flow separation techniques for the HEFR analysis with help from TPWD staff. He mentioned that a great number of reports on the ecology of the Brazos basin have been collected to date. In reviewing the next steps of the BBEST, Tom said that the ecology subcommittee will be meeting on July 1st, and the full BBEST will be meeting on July 19th and August 16th. Efforts will continue regarding flow separation analysis and the review of ecological data and the selection of focal species as the BBEST gets closer to arriving at environmental flow recommendations.

Presentation on Consensus-Building – Suzanne Schwartz

Suzanne Schwartz, Environmental Program Director at the Center for Public Policy Dispute Resolution, introduced herself and briefly described her professional experience with consensus-building, including that related to environmental flows. She provided a handout (posted to the website) which reviewed the definition of consensus, principles of consensus, and a flowchart for consensus decision-making contained in the BBASC meeting rules. Suzanne stressed the importance of starting early with the process of gaining understanding of what is important to each BBASC member. She also encouraged the group to spend time upfront to understand the science of environmental flows and to employ the BBEST to assist with that process. She emphasized the need for interest-based discussion, where stakeholder interests are expressed, as opposed to specific positions being held. Suzanne gave basic steps for achieving consensus which involve upfront planning and information gathering, framing the issue for joint problem solving, identifying objective criteria to evaluate options, generating options that accommodate multiple interests, evaluating the options, and reaching agreement. She said that the BBASC can choose to get a facilitator to assist them in their decision-making, but the group can also self-facilitate by applying the principles and steps

previously described. Either way, Suzanne reinforced the need to identify and discuss the important stakeholder issues (legal, scientific, etc.) early. Suzanne also provided the group with a handout (posted to website) containing excerpts from a document entitled “A Practical Guide to Collaborative Governance” as an additional resource on building consensus.

Identification/Discussion of Important Issues to Consider

BBASC members each spoke about issues of importance to their interest group:

Brad Brunett (River Authorities)

Brad gave a brief history of the Brazos River Authority (BRA) draft systems operation permit. He mentioned that several members of the BBASC have been involved in a contested case hearing regarding the draft water right permit. Brad explained that BRA manages water supplies in the Brazos River basin and is fully contracted under their existing system. Projected water needs in the basin call for additional supplies, and the systems operation permit is the first step in better using what they have before pursuing new supply projects. BRA is interested in recreation and environmental uses of the water and has worked with TPWD and TCEQ to arrive at mutually-agreeable permit conditions. BRA is currently releasing water that has environmental benefits, and the draft permit gives them flexibility in continuing that practice. Gená Leathers with Dow Chemical said that Dow is concerned with protecting their water rights, considering that they have one of the most downstream diversions on the river and face challenges with issues such as saltwater intrusion and water availability. Ed Lowe with Friends Of The Brazos said that he owns land along the river below Lake Granbury and is concerned that the river is not what it used to be, mentioning that neighbors have talked about the “old” river being deeper and much different. He explained that the environmental protections in the draft permit are not as strong as they need to be. Brad further described the draft permit, saying that it is very similar to recommendations that come out of the Senate Bill 3 process such as flow regimes at specific locations, adaptive management provisions, and water management plan requirements.

Tom Michel (Regional Water Planning Groups)

Tom started out by briefly describing his experience on the Trinity-San Jacinto Rivers BBASC. He said that they didn’t start the issues identification process early enough, and that some members held to their positions and didn’t seem interested in consensus. Working for a groundwater subsidence district in the Houston-area, Tom mentioned that one of his concerns is that groundwater could become more sought after and lead to more subsidence and loss of land in the area. With the population increasing, more water is needed, and it should come from surface water or desalination.

Gená Leathers (Chemical Manufacturing)

Gená mentioned her previous/current experience with stakeholder groups such as the Region H Water Planning Group and the Edwards Aquifer Recovery Implementation Program. She said that it is important to keep open dialogue and to not make it personal. In addition to what she mentioned earlier regarding Dow’s water rights, she expressed concern about the uncertainty of how the state water plans will be funded.

Horace Grace (Groundwater Conservation Districts)

Horace mentioned that he represents groundwater conservation districts, has Senate Bills 1-3 experience, and is a BRA board member. His interest is that the Desired Future Conditions established by the groundwater districts should not be impacted by the environmental flows process. Other interests expressed were the need to solve the river underflow issue and that

groundwater should not be pumped into reservoirs but should be transported directly to its place of use.

Eddie Saucedo (Refining)

Eddie said that the building materials sector is under-represented. His interest is that there not be unnecessary limitations on the sector's water use.

Brian Hays (Free-Range Livestock)

In representing rangeland interests, Brian said that he doesn't want to see restrictions imposed on private landowners that negatively impact what they do.

Tom Conry (Municipalities)

In representing municipalities, Tom expressed concern about existing water rights, groundwater/surface water interactions, and having as much information upfront about timelines and deadlines in the process. From a water quality standpoint, his concerns included reservoir sedimentation, eutrophication, invasive species (e.g., zebra mussels), and stormwater permits.

Ed Lowe (Environmental Interests)

Representing Friends Of The Brazos, Ed expressed frustration with the current condition of the river. He said that his group sponsors river clean-ups. He reiterated the purpose of balancing human needs with environmental needs. He is interested in timing releases from Lake Granbury to coincide with the needs of recreational users. He also mentioned the dangers of lower flows in the river, such as increased risk of waterborne illnesses.

David Blackburn (Municipalities)

David said his primary concern is water supply needs. He is also concerned about the volume and quality of flows, which impact water treatment, and the impact of wastewater plants.

Tommy O'Brien (Municipalities)

Representing upper basin municipalities, Tommy stressed the importance of balancing needs and keeping personal issues off the table. He also expressed interest in the term "sound ecological environment" and fleshing-out what it means.

Bruce Turner (Electrical Generation)

Bruce said his interest is in keeping up with demand for electricity and the need for a reliable water source, and that reservoir levels and stream flows are important. He also stressed the need to balance water uses.

Matt Phillips (Environmental Interests)

Matt said one of his interests is finding areas in the basin of ecological importance and finding balance of needs. Part of his work involves working with landowners with an interest in water and finding ways to improve flows and water quality.

Sue Campbell Williams (Public Interest Groups)

Being a property owner on Lake Granbury and near Abilene, Sue said she is interested in groundwater and reservoir levels, and in making sure water is available for future generations.

Jay Bragg (Agricultural Irrigation/CAFOs)

Jay said his interest is in making sure irrigation can continue into the future. He said that with the curtailment of water rights that is currently going on, irrigators are not exempt. He added that CAFOs also do some irrigating.

Bruce Berg (Recreational Water Users)

Bruce said he is interested in balancing the competing interests for water in the basin. He also said that the way people value water is going to change.

Chairman Spurgin thanked everyone for their input and said that this will be an ongoing agenda item at future meetings.

Discuss Proposed Process and Schedule

The BBASC agreed to continue with the current meeting frequency of once every two months.

Set next meeting

The next meeting is scheduled for August 23rd at BRA in Waco from 10:00 am to 1:00 pm. Proposed agenda items include identifying major projects in the basin and the flows involved, U.S. Army Corps of Engineers (USACE) reservoir operations, industrial water demands in the basin, and a BBEST update. Horace Grant added a comment that the public needs to be educated that recreation is not the primary purpose of a reservoir.

Public Comment

Dan Opdyke (TPWD) said that balancing needs is the BBASC's priority, and it is critical for the BBASC to understand the impacts of BBEST flow regime recommendations on future water supply projects. He mentioned that the Sabine-Neches BBEST created a spreadsheet to evaluate impacts known as the Flow Regime Application Tool (FRAT). He briefly described how the Colorado-Lavaca and Guadalupe-San Antonio BBASCs are using FRAT and said that this tool is available to the Brazos BBASC as well. Dan recommended two presentations to help educate the BBASC regarding the process. First, the BBASC can be shown how the evaluations are generally done and what FRAT can do. Secondly, a presentation can be made on how to apply FRAT to the Brazos basin with projects that can be identified by the group. Dan said that he would not be available to make any presentations in August, but would be willing to do so afterwards.

Dan also mentioned that the TCEQ is soliciting input on how to implement the new environmental flow rules for the Sabine-Neches and Trinity-San Jacinto basins for new appropriations of water. He said that the comment period is open until July 8th and encouraged the members' participation.

Tom Conry asked that meeting materials be provided to members as soon as possible to allow enough review time.